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July 19, 2021

Review praised vaccine director's leadership before firing

JONATHAN MATTISE, Associated Press

NASHVILLE, Tenn.

NASHVILLE, Tenn. (AP)— Before a top Tennessee health official recommended firing the state's former vaccine director over claims that include shortcomings in her leadership, her supervisor had praised her "strong leadership" as recently as last month while her program faced "very intense scrutiny and performance expectations," according to a state job performance evaluation circulated publicly on her behalf.

The interim performance review sheds additional light on the circumstances leading up to the July 12 termination of Dr. Michelle Fiscus, who has spent the last week speaking nationally in rebuttal to a firing she argues was political appeasement for Republican lawmakers who were fuming over the department's COVID-19 vaccine outreach efforts for eligible minors.

In a July 9 letter, Tennessee's chief medical officer, Tim Jones, said Michelle Fiscus should be removed due to complaints about her leadership approach and her handling of a letter explaining vaccination rights of minors for COVID-19 shots, which helped prompt the backlash from lawmakers. The Department of Health released her personnel file, including the firing recommendation letter, in response to public records requests from news outlets.

Tennessee officials didn't include her performance reviews, which are exempted under state public records law, but Fiscus' husband Brad released them in rebuttal. Several years' worth of them show her performance was deemed "outstanding," including for October 2019 through September 2020. Over the weekend, Brad Fiscus said they located two more recent interim evaluations. One followed a legislative meeting last month that put the department in the hot seat over its childhood vaccine messaging efforts.

That meeting is briefly mentioned in the June performance review by Fiscus' supervisor, state epidemiologist John Dunn, who suggests she "work closely with her supervisor during the upcoming month to coordinate and clear all vaccine communications following legislative (Government Operations) hearings focused on (Tennessee Department of Health) immunization priorities and actions."

Neither review directly mentions her much-discussed memo on the Mature Minor Doctrine, which traces back to a 1987 state Supreme Court case and allows children 14 and up to be vaccinated without a parent's consent. The recommendation to fire her claims she sent around "her own interpretation" of the doctrine. Fiscus has said the letter she sent providers was verbatim from documents provided by the department's chief legal counsel. She provided email records to back up the assertion.

Dunn's evaluations praise Fiscus multiple times. The June review says the state's "COVID vaccination planning and program implementation have been excellent" under her.

It also laments that vaccination rates have been "disappointing due in part to Tennessee's population demographics and core beliefs on vaccination." Dunn mentions Fiscus' work to promote the vaccine, but says "the communications approach has been less robust than advocated for from the (Tennessee Department of Health) perspective because of overarching Government Comms team objectives" outside of the department's Communicable and Environmental Diseases and Emergency Preparedness Division.

"I appreciate Dr. Fiscus and her determination," Dunn wrote. "The implementation plan has been very successful in reaching the most at-risk in our population."

In the June review, Dunn notes the loss of some employees and some staff complaints to department leaders and human resources. In both reviews, Dunn frames staff-related concerns within the context of how the unprecedented COVID-19 response has taken a toll on health workers nationwide.

"The toll of COVID has been dramatic," the June review states. "Dr. Fiscus has balanced her responsibilities well and should continue to focus on her team and herself in regards to work-life balance, professional development, and job satisfaction."

Within the April review, Dunn raises concerns over the proposals being floated by lawmakers due to the pandemic. He stressed the importance of communicating with the department's legal counsel and "legislative leads" because "COVID has created much legislation which threatens (the Communicable and Environmental Diseases and Emergency Preparedness Division) and public health program objectives."

Late last week, Fiscus released a point-by-point rebuttal on the claims made in the firing recommendation.

She also responded to the governor's office regarding her claims that the Health Department stopped outreach for vaccinating minors for all diseases, not just COVID-19, which she has backed up through departmental email records, saying she never said the children's vaccines program had been halted. What has been stopped, she said, are "partnerships between local health departments and outside agencies, such as schools, to provide vaccines outside of a local health department" and "any attempts to communicate to parents that their children are in need of critical routine immunizations during this back-to-school season."

Republican Gov. Bill Lee's office and the Health Department have declined to comment directly on Fiscus' firing.

One prominent Tennessee Republican weighed in Friday, though without naming Fiscus or the pause over outreach for childhood vaccines.

Former U.S. Sen. Majority Leader Bill Frist, a surgeon, tweeted that "it is the responsibility of our state's leaders to take sometimes uncomfortable, even unpopular, positions when the health and lives of our people are at stake."

"Tennessee can stand by #science and #savelives, or we can further a dangerous trend that is eroding public health and trust in government," Frist tweeted.

---- Index References ----

Company: Supreme Court Registry; Fiscus GmbH; Tennessee Department of Health; Department of Health; Metropolitan Government of Nashville and Davidson County, Health Department

News Subject: (Children (1CH89); Children's Health (1CH55); Health & Family (1HE30); Parents & Parenting (1PA25))

Industry: (Drugs (1DR89); Healthcare (1HE06); Healthcare Practice Specialties (1HE49); Pediatrics (1PE85); Pharmaceuticals (1PH33); Pharmaceuticals & Biotechnology (1PH13); Vaccines (1VA57))

Region: (Americas (1AM92); North America (1NO39); Tennessee (1TE37); U.S. Southeast Region (1SO88); USA (1US73))

Language: EN

Other Indexing: (Republican; Government Comms; Communicable and Environmental Diseases and Emergency Preparedness Division; Supreme Court; Fiscus'; Fiscus; Tennessee Department of Health; Department of Health; Health Department) (Michelle Fiscus; Tim Jones; Tim Jones; Brad Fiscus; John Dunn; Kevin John Dunn; Bill Lee; Bill Frist; William H. Frist)

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July 17, 2021

Section: News

Top vaccine official got glowing reviews before her firing

Mariah Timms

July 17, 2021

A top Tennessee health official called last week for the firing of the state's then-vaccination chief Dr. Michelle Fiscus, criticizing her leadership and management skills, newly released documents show. But Fiscus' termination, which touched off a national media firestorm, followed years of glowing performance reviews ultimately approved by the very same official, additional records reveal.

Tennessee Department of Health Chief Medical Officer Dr. Tim Jones sent a memo to Commissioner Dr. Lisa M. Piercey dated Friday, recommending Fiscus' termination, according to the document released Thursday by the state health department.

In it, Jones wrote Fiscus should be fired because of a "failure to maintain good working relationships with members of her team, her lack of effective leadership, her lack of appropriate management and unwillingness to consult with superiors and other internal stakeholders."

Fiscus denies the claims of inappropriate behavior. Her husband said Thursday she did not know of it before the department made the document public.

"We're not gonna sit back and allow these falsehoods to be presented when she didn't have any chance to respond," Fiscus' husband Brad Fiscus said Thursday.

In performance evaluations from the 2019-2020 review period her bosses said she had "been attentive to her team," "exceeded expectations in managing" programs and did an "outstanding job."

"Dr. Fiscus is a trusted and reliable advocate to promote vaccination in Tennessee," her manager John Dunn wrote.

"Dr. Fiscus has been a strong leader for the VPD team and has been an integral piece of the COVID pandemic response. Her leadership and efforts in multiple areas have been critical."

Jones signed off on the review process on Feb. 18, 2020, July 7, 2020, and Oct. 12, 2020, according to the records.

Fiscus was fired from the role Monday in a move she believes was politically-motivated. She'd worked with the vaccination team since 2016.

She said she believes she was made a scapegoat and was terminated to appease state lawmakers angry about the department's efforts to vaccinate teenagers against coronavirus.

The state agency has been dialing back vaccination outreach efforts targeting teenagers since June. Adolescent vaccine outreach for all diseases was halted amid pressure from Republican state lawmakers, reports showed this week.

The health department released three documents responsive to news media records requests, including Jones' memo, but did not include any performance reviews. Michelle Fiscus released the documents to the Tennessean after she was fired.

Reports on Fiscus' performance from the 2016-2017 and 2017-2018 review periods are equally positive on her leadership and outreach work.

Then-manager Dr. Morgan McDonald praised Fiscus' work on building opportunities for her team and "consistent leadership," as well as calling her an "excellent manager."

Fiscus could not find a copy of her 2018-2019 review and has requested a copy from the department, Brad Fiscus said Thursday.

Focus on Michelle Fiscus, who had until then largely operated in the background of the state health department, grew in mid-June when lawmakers became angry about a letter Fiscus sent to medical providers who administer vaccines.

The May letter was in response to questions from vaccine providers related to the state's "Mature Minor Doctrine," a legal mechanism by which they are allowed to vaccinate certain minors above the age of 14 without consent from their parents.

Fiscus said the language in the letter was provided to her by the health department's attorney, who said at the time it had been "blessed by the governor's office."

Later, lawmakers expressed concern the letter was unduly encouraging adolescents to get vaccinations without parental consent.

The department has couched the steps taken to stop targeting minors with vaccination outreach as the result of a temporary evaluation to ensure it is aimed squarely at parents.

"There has been no disruption to the childhood immunization program or access to the COVID-19 vaccine while the department has evaluated annual marketing efforts intended for parents," Piercey said in an email release on Thursday. "The Tennessee Department of Health not only supports immunizations but continues to provide valuable information and access to parents who are seeking vaccinations for their children."

When Fiscus was given a 10% raise in 2019, a document on file with the state indicates her role is to be the "department's representative to the legislature" on the state's immunization program, and to work with outside agencies like the Centers for Disease Control and Prevention.

Fiscus' performance reviews list specific goals for her to work toward, which last year included a mandate to "promote the importance of immunizations to public health" and to "represent the Tennessee Immunization Program to outside partners and stakeholders."

She received an overall rating of "outstanding" across the combined review with no assessment lower than "advanced."

Jones' letter cited a report Dunn had heard complaints "of disrespectful treatment and ineffective management" that both attempted to mediate with Fiscus.

He disputed Fiscus' explanation of the source of the information in the May letter, claiming it was not properly run past leadership and departmental legal counsel.

---- **Index References** ----

Company: Fiscus GmbH; VPD Financial Software Consulting AB; Tennessee Department of Health; Centers for Disease Control and Prevention

News Subject: (Children (1CH89); Children's Health (1CH55); Health & Family (1HE30); Parents & Parenting (1PA25))

Industry: (Drugs (1DR89); Healthcare (1HE06); Healthcare Policy (1HE46); Pharmaceuticals (1PH33); Pharmaceuticals & Biotechnology (1PH13); Public Health (1PU63); Vaccines (1VA57))

Region: (Americas (1AM92); North America (1NO39); Tennessee (1TE37); U.S. Southeast Region (1SO88); USA (1US73))

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Other Indexing: (Republican; Fiscus; Fiscus'; VPD; Tennessee Department of Health; Centers for Disease Control and Prevention) (Michelle Fiscus; Tim Jones; Tim Jones; Lisa M. Piercey; Brad Fiscus; John Dunn; Kevin John Dunn; Morgan McDonald)

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July 16, 2021

Fired Tennessee vaccine leader rebuts claims point-by-point

TRAVIS LOLLER and JONATHAN MATTISE, Associated Press

NASHVILLE, Tenn.

NASHVILLE, Tenn. (AP) — Days after she was fired under pressure from Republican legislators, Tennessee's former vaccinations director has issued a point-by-point rebuttal to a letter recommending her removal and to other claims by state officials about the program she ran that offers shots for children.

The July 9 letter from the state's chief medical officer said Michelle Fiscus should be removed due to complaints about her leadership approach and her handling of a letter explaining vaccination rights of minors for COVID-19 shots, an effort that had GOP lawmakers fuming.

Fiscus has accused Health Commissioner Lisa Piercey of terminating her "to appease a handful of outraged and uninformed legislators."

In her rebuttal, Fiscus described Chief Medical Officer Tim Jones as a "trusted friend and colleague," who had warned her in late June that her employment was threatened. She said Jones and her supervisor, state epidemiologist John Dunn, voiced continued support for her despite the political pressure.

One complaint in the letter says Fiscus requested Health Department money for a new nonprofit she had founded, a "substantial conflict of interest."

Fiscus counters that her job plan included creating an Immunize Tennessee coalition, which Jones praised in a document Fiscus provided, saying "Shelley has taken the initiative to start a statewide coalition which has been very successful."

About the group, Fiscus said, "I convened stakeholders who went on to incorporate as a 501(c)3 non-profit organization. I am not on the board of directors, I am not on the payroll, and I serve in only an ex-officio advisory capacity to the board. ... There is no conflict of interest as I do not benefit materially from the coalition."

Jones' letter also accuses Fiscus of disseminating "her own interpretation" of Tennessee's Mature Minor Doctrine, which traces back to a 1987 state Supreme Court case and allows children 14 and up to be vaccinated without a parent's consent. During a June legislative hearing, Republican Rep. Scott Cepicky called the agency's advocacy on teen vaccination, including online posts, "reprehensible."

Fiscus counters that the letter she sent providers about vaccinating minors was verbatim from documents provided by the department's chief legal counsel, Grant Mullins, "with the exception of the introductory paragraph and the final line." Fiscus shared an email from Mullins that states, "Attached is the new summary of the doctrine that has just recently been posted to the website and is blessed by the Governor's office on the subject. This is forward facing so feel free to distribute to anyone."

In response to the "blessing" claim, Republican Gov. Bill Lee's spokesperson Casey Black said, "No one speaks for the Governor but this office."

In May, the health commissioner herself explained Fiscus' memo on the Mature Minor Doctrine in a letter responding to a lawmaker, which was obtained by The Associated Press and confirmed Friday by Health Department spokeswoman Sarah Tanksley.

"We hope the memo informs the state's vaccinating partners of the current state of law in Tennessee so they may each make the best decisions for their patients," Piercey wrote to GOP Rep. Robin Smith, adding that many providers still choose to get parental consent first.

As for the letter's complaints about her leadership style and conflicts with staff, Fiscus said, "This has been a pandemic of historic proportions and a COVID-19 vaccine roll-out that required that I, as well as members of my team, work extraordinary hours for months on end. It was stressful and, at times, there were disagreements."

But Fiscus noted consistent praise for her job performance, including years of performance reviews deeming her work "outstanding," most recently for October 2019 through September 2020.

She also included a recent text message she said was from the same departmental physician with whom the termination recommendation says she had a disagreement.

"What you may not know from our interactions is that I truly believe you are the greatest treasure TDH had. This is complete and utter (expletive) and I am incredibly proud of you, the work you've done, and your response to this situation. Stay strong and keep up the good fight!" reads the text, which Fiscus said she shared with permission.

Fiscus also responded to the governor's office regarding her claims that the Health Department stopped outreach for vaccinating minors for all diseases, not just COVID-19, which she has backed up through departmental email records. At question is a statement from Lee's spokesperson: "Despite misleading reporting, the Department of Health has not halted the Vaccines for Children Program that provides information and vaccine access to Tennessee parents."

But Fiscus notes that she never said the children's vaccines program had been halted. What has been stopped, she said, are "partnerships between local health departments and outside agencies, such as schools, to provide vaccines outside of a local health department" and "any attempts to communicate to parents that their children are in need of critical routine immunizations during this back-to-school season."

That's a significant change from standard department operations that "will result in decreased vaccination coverage rates, especially among poor and minority populations," she said.

"The information I have shared is not 'misleading,' it is the response from the Governor's office that both dodges the questions posed and twists the narrative away from the subject at hand," Fiscus wrote.

On Thursday, the department pointed parents seeking information on childhood vaccines to state websites.

Lee's office and the Health Department have declined to comment directly on Fiscus' firing. The Health Department has provided her personnel file to media through public records requests.

---- Index References ----

Company: Supreme Court Registry; THE ASSOCIATED PRESS; Fiscus GmbH; Metropolitan Government of Nashville and Davidson County, Health Department; Department of Health; TAN DAI HUNG PLASTIC JOINT STOCK COMPANY

News Subject: (Children (1CH89); Children's Health (1CH55); Health & Family (1HE30); Parents & Parenting (1PA25))

Industry: (Drugs (1DR89); Healthcare (1HE06); Healthcare Practice Specialties (1HE49); Pediatrics (1PE85); Pharmaceuticals (1PH33); Pharmaceuticals & Biotechnology (1PH13); Vaccines (1VA57))

Region: (Americas (1AM92); North America (1NO39); Tennessee (1TE37); U.S. Southeast Region (1SO88); USA (1US73))

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Other Indexing: (Republican; GOP; Supreme Court; The Associated Press; Fiscus; Fiscus'; Health Department; Department of Health; TDH) (Michelle Fiscus; Lisa Piercey; Tim Jones; John Dunn; Shelley; Scott Cepicky; Grant Mullins; Bill Lee; Casey Black; Sarah Tanksley; Robin Smith; Andrew Robin Smith)

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Canadian Press

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July 16, 2021

Section: International

Records reveal Tennessee's claims for firing vaccine leader

The Associated Press

NASHVILLE, Tenn. (AP) — As controversy raged on over the firing of Tennessee's vaccination leader after state lawmakers complained about efforts to promote COVID-19 vaccination among teenagers, state officials released documents Thursday that for the first time offer other reasons for her dismissal.

Tennessee's chief medical officer reasoned that the state's now-fired vaccination leader should be removed partly due to complaints about her leadership approach and how she handled a letter about vaccination rights of minors that incensed some Republican lawmakers, state records show.

In a letter dated July 9 and obtained through a public records request, Chief Medical Officer Dr. Tim Jones wrote that Dr. Michelle Fiscus deserved to be fired because of "failure to maintain good working relationships with members of her team, her lack of effective leadership, her lack of appropriate management, and unwillingness to consult with superiors and other internal stakeholders on (Vaccine Preventable Diseases and Immunization Program) projects."

In rebuttal, Fiscus's husband Brad circulated three of the last four years' worth of performance reviews deeming her work "outstanding," most recently for October 2019 through September 2020. They are seeking the 2018-19 review — also positive — from the department, Brad Fiscus said. He said they didn't know about the July 9 letter until Thursday and questioned why it wasn't used at her July 12 firing.

"Dr. Fiscus has been attentive to her team," the 2019-2020 review says. "She has exceed(ed) expectations in managing all programmatic activities while being fully immersed in (COVID-19) response efforts. She has appropriately and effectively advocated for her team. Her program has had some key transitions during this evaluation period which have been managed well."

Fiscus continues to speak widely after her firing Monday, which she has said was a political move to appease lawmakers who disapproved of the Department of Health's outreach to get teens vaccinated for COVID-19. Additionally, the department acknowledged in email records that it has halted all outreach efforts around any kind of vaccines for children, not just COVID-19 ones, as The Tennessean first confirmed.

In a statement Thursday, Health Commissioner Lisa Piercey said there has been "no disruption to the childhood immunization program or access to the COVID-19 vaccine while the department has evaluated annual marketing

efforts intended for parents." The department pointed parents seeking information on childhood vaccines to state websites.

"We are proud of the efforts of our staff across the state and will continue to promote vaccination and the vaccination work of our partners," Piercey said.

Tennessee ranks in the bottom 10 of vaccination rates among states, at 38%. COVID-19 cases have begun rising again, with Tennessee's rolling average of daily new cases up by 451.4 over two weeks, an increase of 680.5%, according to Johns Hopkins University researchers.

The day of her firing, Fiscus penned a blistering 1,200-word response saying she is ashamed of Tennessee's leaders, afraid for her state, and "angry for the amazing people of the Tennessee Department of Health who have been mistreated by an uneducated public and leaders who have only their own interests in mind."

Her termination letter did not specify why she was fired.

The letter recommending her firing, sent to Piercey, cites several reasons. The dates of issues claimed fell after her last performance review period.

It says staffers complained about "her management style, treatment of employees, and poor program morale"; she had to take coaching sessions, including on "professionalism and teamwork" after a disagreement with another departmental physician; "repetitive, long, and inefficient meetings" because she did not delegate work enough; she requested to use department funding for a nonprofit she founded and led; and that she communicated directly, without notifying supervisors, to produce COVID-19 vaccine reports for a state university.

The recommendation came after a June committee meeting, when angry Republican lawmakers named Fiscus over a letter she sent medical providers who administer vaccines explaining the state's legal mechanism letting them vaccinate minors as young as 14 without parental consent, called the "Mature Minor Doctrine." The letter was in response to providers' questions and didn't contain new information.

Fiscus said the health department's attorney provided language for the letter, based on a 1987 Tennessee Supreme Court ruling. Fiscus said she was doing her job to explain what is allowable.

The recommendation to fire Fiscus calls the memo "her own interpretation of state and federal law" and says she didn't involve the department legal counsel or leadership in drafting it, disputing her account.

The letter says the memo created "confusion of both law and policy for private providers, parents, and legislators."

Republican lawmakers also admonished the agency for its communications about the vaccine, including online posts. One graphic, featuring a photo of a smiling child with a Band-Aid on his arm, said, "Tennesseans 12+ are eligible for vaccines. Give COVID-19 vaccines a shot." Some lawmakers even threatened to dissolve the Health Department.

A few days before she was fired, Fiscus received a dog muzzle via mail at work, which Brad Fiscus reasoned that "someone wanted to send a message to tell her to stop talking."

The Tennessee Department of Safety and Homeland Security said it is investigating the incident.

Meanwhile, in the state's most populous county, the Shelby County Health Department is continuing regular vaccination outreach programs. The department is publicizing a Memphis event Saturday with back-to-school vaccinations, including COVID-19 shots for children 12 and older and their parents.

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Adrian Sainz in Memphis and Travis Loller in Nashville contributed to this report.

--- Index References ---

Company: SHELBY COUNTY HEALTH CARE CORPORATION; Tennessee Department of Health; Department of Health; Metropolitan Government of Nashville and Davidson County, Health Department; THE JOHNS HOPKINS UNIVERSITY

News Subject: (Children (1CH89); Children's Health (1CH55); Health & Family (1HE30); Parents & Parenting (1PA25))

Industry: (Drugs (1DR89); Healthcare (1HE06); Healthcare Practice Specialties (1HE49); Pediatrics (1PE85); Pharmaceuticals (1PH33); Pharmaceuticals & Biotechnology (1PH13); Vaccines (1VA57))

Region: (Americas (1AM92); North America (1NO39); Tennessee (1TE37); U.S. Southeast Region (1SO88); USA (1US73))

Language: EN

Other Indexing: (Republican; Tennessee Supreme Court; Tennessee Department of Safety and Homeland Security; Shelby County Health Department; Tennessee Department of Health; Department of Health; Health Department; Johns Hopkins University) (Tim Jones; Tim Jones; Michelle Fiscus; Brad Fiscus; Lisa Piercey; Adrian Sainz; Travis Loller) (Nashville; Tennessee; United States)

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July 16, 2021

Tennessee vaccine chief fired despite prior positive evaluations

Andy Sher; Chattanooga Times Free Press, Tenn.

Jul. 16—NASHVILLE — Tennessee Health Department officials on Thursday released a memo outlining their justifications for firing the state's top vaccination official, Dr. Michelle Fiscus, who was fired Monday after lawmakers objected to a state policy of encouraging teens to get vaccinated against COVID-19.

The July 9 memo, written by the department's Chief Medical Officer Tim Jones, was provided to the Times Free Press following a public records request.

In it, Jones laid out a rationale and recommendation to Health Commissioner Lisa Piercey that Fiscus be fired, leveling a number of criticisms and justifications for doing so.

That came despite several years of annual evaluations in which Fiscus was awarded high marks and praise, with Jones himself signing off and approving the evaluations of her work as director of the Tennessee Vaccine-Preventable Diseases and Immunization Program.

Fiscus said Thursday in a Times Free Press interview that "I'm in a little bit of shock at the content of that letter to justify my termination," adding the criticisms and allegations weren't shared with her when she was given a choice to resign or be fired.

The physician said she had done nothing wrong and had refused to resign at Jones' request.

She added: "I also find it odd because it was Dr. Jones who had called me on July 3 because he felt so terrible" about the controversies that had erupted at the June 16 meeting of the GOP-led joint House and Senate Government Operations Committee meeting.

That was where majority Republicans blew up over the department's direct outreach to minors with one Republican, Rep. Scott Cepicky of Culleoka, threatening at one point to make a motion to abolish the department.

Republicans were especially incensed over flyers and other advertisements on the Health Department's website featuring teens and slogans including "Give COVID-19 vaccines a shot" and "Tennesseans 12+ eligible for vaccines."

Fiscus said Jones later told her "I didn't want you to think you were the only one laying awake at 3 a.m. thinking about this."

Tennessee has one of the nation's lowest COVID-19 vaccination rates, hovering about 38%.

The uproar over the firing has put Gov. Bill Lee under a glaring state and national spotlight, with Tennessee Democratic lawmakers sharply criticizing him. It's even made its way into late-night television, where comedian Stephen Colbert on Wednesday night fired a salvo at the state over Fiscus' firing: "Tennessee, the Volunteer State, has one of the worst vaccination rates in the country. And they aim to keep it that way."

Lee said in early July he expected the state to work through parents and not directly with teens to promote vaccinations.

In his letter to Piercey dated Friday, Jones wrote that Fiscus should be terminated due to her "failure to maintain good working relationships with members of her team, her lack of effective leadership, her lack of appropriate management and unwillingness to consult with superiors and other internal stakeholders."

Less than a year earlier, Jones signed off on her evaluation, which stated Fiscus "has been attentive to her team. She has exceeded expectations in managing all programmatic activities while being fully immersed in C19 response efforts. She has appropriately and effectively advocated for her team. Her program has had some key transitions during this evaluation period which have been managed well."

Among other things, Jones in his letter to Piercey wrote that over the past three months Fiscus had requested to provide a new nonprofit organization state funding to "support" her program's activities.

He said the nonprofit was "founded and led by Dr. Fiscus" and had no executive director or other employees and no other "substantive source" of funding. Providing money to "such an entity would be poor judgement [sic] and a substantial conflict of interest."

Dr. Fiscus's husband, Brad Fiscus, said the creation of the nonprofit was in his wife's "job description. It was part of the process of doing this job to create opportunities to increase vaccine acceptance. It's just mind-boggling, this letter is so false. It's not surprising, unfortunately, but the attempt to attack her is not going to go well. We're not going to stand by."

Brad Fiscus was filling in for his wife, who had left the Times Free Press interview to participate in another interview with Bloomberg News, one of a number of appearances she has made with national media this week.

Her husband said the nonprofit has a board of directors, is active and holds meetings. He said any insinuation that his wife was personally seeking to benefit from it was "totally false." The organization has sought and been approved for IRS nonprofit 501(c)(3) status, he said.

"They just thought she would leave quietly, they wanted her to resign," Brad Fiscus said. "She didn't do anything wrong."

Earlier, Dr. Michelle Fiscus told the Times Free Press that what Health Department officials provided to reporters "is really half-truths and hyperbole. I'm a little disappointed, it took them a week and this was the best they can do."

She noted that her understanding is that Piercey herself is in Greece for a long-planned vacation.

"I will defend her on that," Fiscus said. "She did not flee the country as a result of any of this."

Contact Andy Sher at asher@timesfreepress.com or 615-255-0550. Follow him on Twitter @AndySher1.

---- Index References ----

Company: TIMES PROPERTIES PRIVATE LIMITED; INDIAN REGISTER OF SHIPPING; Fiscus GmbH; Tennessee Department of Health; Bloomberg News Beijing Bureau; TWITTER, INC.

News Subject: (Children (1CH89); Children's Health (1CH55); Health & Family (1HE30); Parents & Parenting (1PA25))

Industry: (Drugs (1DR89); Healthcare (1HE06); Infectious Diseases (1IN99); Pharmaceuticals (1PH33); Pharmaceuticals & Biotechnology (1PH13); Vaccines (1VA57); Viral (1VI15))

Region: (Americas (1AM92); North America (1NO39); Tennessee (1TE37); U.S. Southeast Region (1SO88); USA (1US73))

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Other Indexing: (Tennessee Vaccine; GOP; House; Senate Government Operations Committee; Republicans; Republican; Democratic; Times Free Press; IRS; Fiscus; Tennessee Health Department; Bloomberg News; Twitter) (Michelle Fiscus; Tim Jones; Lisa Piercey; Scott Cepicky; Gov. Bill Lee; Stephen Colbert; Brad Fiscus; Andy Sher; @AndySher1)

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July 16, 2021

Section: News

Fired vaccine official had glowing reviews
But memo sent Friday paints different picture

Mariah Timms

July 16, 2021

A top Tennessee health official called last week for the firing of the state's then-vaccination chief Dr. Michelle Fiscus, criticizing her leadership and management skills, newly released documents show. But Fiscus' termination, which touched off a national media firestorm, followed years of glowing performance reviews ultimately approved by the very same official, additional records reveal.

Tennessee Department of Health Chief Medical Officer Dr. Tim Jones sent a memo to Commissioner Dr. Lisa M. Piercey dated Friday, recommending Fiscus' termination, according to the document released Thursday by the state health department.

In it, Jones wrote Fiscus should be fired because of a "failure to maintain good working relationships with members of her team, her lack of effective leadership, her lack of appropriate management and unwillingness to consult with superiors and other internal stakeholders."

Fiscus denies the claims of inappropriate behavior. Her husband said Thursday she did not know of it before the department made the document public.

"We're not gonna sit back and allow these falsehoods to be presented when she didn't have any chance to respond," Fiscus' husband Brad Fiscus said Thursday.

In performance evaluations from the 2019-2020 review period her bosses said she had "been attentive to her team," "exceeded expectations in managing" programs and did an "outstanding job."

"Dr. Fiscus is a trusted and reliable advocate to promote vaccination in Tennessee," her manager John Dunn wrote. "Dr. Fiscus has been a strong leader for the VPD team and has been an integral piece of the COVID pandemic response. Her leadership and efforts in multiple areas have been critical."

Jones signed off on the review process on Feb. 18, 2020, July 7, 2020, and Oct. 12, 2020, according to the records.

Flare-up with lawmakers

Fiscus was fired from the role Monday in a move she believes was politically-motivated. She'd worked with the vaccination team since 2016.

She said she believes she was made a scapegoat and was terminated to appease state lawmakers angry about the department's efforts to vaccinate teenagers against coronavirus.

The state agency has been dialing back vaccination outreach efforts targeting teenagers since June. Adolescent vaccine outreach for all diseases was halted amid pressure from Republican state lawmakers, reports showed this week.

The health department released three documents responsive to news media records requests, including Jones' memo, but did not include any performance reviews. Michelle Fiscus released the documents to the Tennessean after she was fired.

Reports on Fiscus' performance from the 2016-2017 and 2017-2018 review periods are equally positive on her leadership and outreach work.

Then-manager Dr. Morgan McDonald praised Fiscus' work on building opportunities for her team and "consistent leadership," as well as calling her an "excellent manager."

Fiscus could not find a copy of her 2018-2019 review and has requested a copy from the department, Brad Fiscus said Thursday.

Focus on Michelle Fiscus, who had until then largely operated in the background of the state health department, grew in mid-June when lawmakers became angry about a letter Fiscus sent to medical providers who administer vaccines.

The May letter was in response to questions from vaccine providers related to the state's "Mature Minor Doctrine," a legal mechanism by which they are allowed to vaccinate certain minors above the age of 14 without consent from their parents.

Fiscus said the language in the letter was provided to her by the health department's attorney, who said at the time it had been "blessed by the governor's office."

Later, lawmakers expressed concern the letter was unduly encouraging adolescents to get vaccinations without parental consent.

The department has couched the steps taken to stop targeting minors with vaccination outreach as the result of a temporary evaluation to ensure it is aimed squarely at parents.

"There has been no disruption to the childhood immunization program or access to the COVID-19 vaccine while the department has evaluated annual marketing efforts intended for parents," Piercey said in an email release on Thursday. "The Tennessee Department of Health not only supports immunizations but continues to provide valuable information and access to parents who are seeking vaccinations for their children."

Outreach listed in job description

When Fiscus was given a 10% raise in 2019, a document on file with the state indicates her role is to be the "department's representative to the legislature" on the state's immunization program, and to work with outside agencies like the Centers for Disease Control and Prevention.

Fiscus' performance reviews list specific goals for her to work toward, which last year included a mandate to "promote the importance of immunizations to public health" and to "represent the Tennessee Immunization Program to outside partners and stakeholders."

She received an overall rating of "outstanding" across the review with no assessment lower than "advanced."

Jones' letter cited a report Dunn had heard complaints "of disrespectful treatment and ineffective management" that both attempted to mediate with Fiscus.

He disputed Fiscus' explanation of the source of the information in the May letter, claiming it was not properly run past leadership and departmental legal counsel.

"These examples clearly demonstrate that Dr. Fiscus's performance in this role has led to strained relationships with internal and external stakeholders at multiple levels, and to an ineffective and noncohesive workplace. Her leadership and management of her team does not foster the culture or environment expected at the Tennessee Department of Health," Jones wrote.

The memo also claims Michelle Fiscus improperly set up a nonprofit for which she requested funding to support immunization programming. Brad Fiscus indicated his wife has received no money herself from the program and set it up under CDC guidelines "as part of her job."

"Part of the grant from the CDC that they receive is to engage vaccine coalitions in their states or to create a vaccine coalition if there isn't one for the sole purpose of making creating vaccine awareness, dispelling misinformation about the effectiveness or the harm of vaccines, and so on," he said.

Colleagues rally in support

Fiscus' firing and the state's about-face on youth immunization outreach have captured national attention at the same time Tennessee's COVID-19 infection rates tripled in a matter of weeks.

Colleagues at the American Academy of Pediatrics spoke out this week in support of Fiscus, a member of the organization's board of directors, in a statement noting she does "vital work."

"Pediatrician public health officials are medical experts who are trusted by the communities they serve. Dr. Fiscus's termination is the most recent example of a concerning trend of politicizing public health expertise," the organization's president Dr. Lee Savio Beers, wrote. "Actions like this only increase the likelihood that we'll see other outbreaks of these diseases even as we continue to fight COVID-19."

Brett Kelman contributed.

Reach reporter Mariah Timms at mtimms@tennessean.com or 615-259-8344 and on Twitter @MariahTimms.

News:

Tennessee top vaccine official received muzzle in mail at office before she was fired. 2A

---- **Index References** ----

Company: American Academy of Pediatrics.; Fiscus GmbH; VPD Financial Software Consulting AB; Tennessee Department of Health; Centers for Disease Control and Prevention; TWITTER, INC.

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